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October 4, 2005

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 02-55
Ex Parte Presentation

Dear Ms. Dortch:

On Monday, October 3, 2005, Lawrence Krevor, Vice President, Government Affairs – Spectrum, Sprint Nextel Corporation (“Sprint Nextel”), Charles Logan, counsel for Sprint Nextel, and I met with Sam Feder, General Counsel at the Commission. At this meeting, Sprint Nextel’s representatives and Mr. Feder discussed issues legal issues relating to the above-captioned rulemaking on public safety communications in the 800 MHz band.

Specifically, Sprint Nextel’s representatives addressed legal issues relating to petitions for reconsideration or waiver requests filed by AIRPEAK Communications, LLC (“AIRPEAK”) and other SMR licensees in this proceeding. Sprint Nextel has previously explained why there is no public interest basis for granting these petitions. *See Ex Parte* Letter from Gina Keeney, counsel for Sprint Nextel, to Marlene Dortch, Secretary, FCC, WT Docket No. 02-55 (Sep. 30, 2005). At this meeting with Mr. Feder, Sprint Nextel’s representatives pointed out that the FCC’s 800 MHz band reconfiguration decision was the result of a value-for-value equation that provides Sprint Nextel with sufficient replacement spectrum in return for its substantial contributions to this band reconfiguration process. Grant of these petitions would unfairly take spectrum rights away from Sprint Nextel, thereby undermining the Commission’s careful balancing effort. This action would also implicate Section 316 of the Communications Act, which sets forth specific procedures the Commission must follow in modifying licenses. Under Section 316, the Commission must give Sprint Nextel prior notice and an opportunity to object to such a license modification.

Marlene H. Dortch
October 4, 2005
Page 2

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

cc: Sam Feder